

ORDINANCE NO. 2018-1676

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING CHAPTER 34 "ENVIRONMENT" OF THE TOWN'S CODE OF ORDINANCES TO CREATE SECTION 34-11, "PROHIBITION ON DISTRIBUTION, SALE OR USE OF PLASTIC STRAWS;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") is committed to environmental conscientiousness and leadership, and towards that end has previously adopted ordinances prohibiting the sale or use of polystyrene food service articles by Town contractors, special event permittees, food services providers, and stores; and

WHEREAS, the Town finds that it is in the public interest, safety, and welfare to reduce litter and pollutants on the lands and in the waters of the Town; and

WHEREAS, Chapter 34 of the Town's Code of Ordinances ("Code") pertains to the environment; and

WHEREAS, discarded plastic straws threaten wildlife and marine life and degrade and litter the beaches and waters off of Florida's coast, which include areas within the Town; and

WHEREAS, plastic straws constitute a portion of the litter in the Town's streets, parks, public places, and waterfront areas; and

WHEREAS, the use, sale, and distribution of plastic straws has a detrimental effect on the Town's environment; and

WHEREAS, the Town Commission finds that there are reasonable, environmentally-friendly alternatives to plastic straws; and

WHEREAS, the Town Commission wishes to amend Chapter 34 of the Town's Code to create Section 34-11 to prohibit the sale, distribution, and use of plastic straws; and

WHEREAS, the Town Commission finds that this Ordinance is necessary for the preservation and improvement of the environment, public health, safety and welfare of the Town's residents and visitors.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE
HEREBY ORDAINS:¹

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Town Code Amended. The Code of the Town of Surfside, Florida is hereby amended by adding a section, to be numbered Section 34-11, which section reads as follows:

Chapter 34 – Environment

Article I. – In General

Division 4. Food Service Articles

Section 34-11. Prohibition on Distribution, Sale or Use of Plastic Straws.

(a) **Definitions.** For purposes of this section, the following definitions apply:

~~(1) Customer means any person receiving or purchasing goods, food, or liquids from a commercial establishment or at a Town Facility or Property.~~

(2) (1) Plastic Straw means a straw provided, sold, or distributed for the purpose of imbibing liquids or transferring a beverage from its container to the mouth of the drinker by suction, which is made predominantly of plastic derived from petroleum, a biologically-based source (such as corn or other plants), or polystyrene, polypropylene, or polyethylene, and which is intended for a single-use.

~~(3) (2) Special Event Permittee means any person or entity, and their subcontractor(s), issued a special event permit by the Town for a special event on Town property, or in a Town facility, or in the Town's right-of-way.~~

(4) (3) Town Facility includes, but is not limited to, any building, structure, park, beach, road, street, right-of-way, or other facility owned, operated or managed by the Town.

~~(5) (4) Town Property includes, but is not limited to, any land, water, or air rights owned, operated or managed by the Town.~~

(b) **Plastic Straws Prohibited; Exceptions**

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicted with highlighted ~~double-strikethrough~~ and double underline.

(1) A Plastic Straw shall not be used, sold, or distributed in any commercial establishment or at any Town Facility or Town Property or by any Special Event Permittee.

(2) Exceptions.

a. This prohibition shall not apply to pre-packaged drinks sold at commercial establishments.

b. This prohibition shall not apply to medical or dental facilities.

c. This prohibition shall not apply to the school district or county, state, or federal governmental entities.

(c) Enforcement; Penalties

(1) Following adoption of this Section, the Town shall engage in public education efforts to inform commercial establishments of the provisions of this Section and to provide assistance with identifying alternatives to Plastic Straws.

(2) Beginning May 1, 2018, the Town's Code Compliance Department shall enforce all provisions of this Section.

(3) Penalties for violations of the provisions of this Section shall be enforced through Chapter 15 of the Town Code. Fines shall be in the amounts prescribed in the schedule of civil penalties adopted by resolution.

Secs. 34-1012 – 34-25. Reserved.

Section 3. Codification. It is the intent of the Town Commission that the provisions of this ordinance shall become and be made a part of the Town's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the 13th day of February, 2018.

97 **PASSED AND ADOPTED** on second reading on the 13th day of March, 2018.

98 **On Final Reading Moved By:** Commissioner Paul

99 **On Final Reading Second By:** Vice Mayor Cohen

100 **FINAL VOTE ON ADOPTION**

101 Commissioner Daniel Gielchinsky yes

102 Commissioner Michael Karukin yes

103 Commissioner Tina Paul yes

104 Vice Mayor Barry Cohen yes

105 Mayor Daniel Dietch yes

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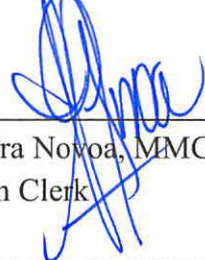
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Daniel Dietch

Mayor

ATTEST:



Sandra Novoa, MMC

Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



Weiss Serota Helfman Cole & Bierman, P.L.

Town Attorney